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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 May 1996, at 10 a.m.

Chairperson: Mr. ALSTON

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1996/SR.25/Add.1.

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The meeting was called to order at 10.10 a.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

Decisions adopted by the Committee at its fourteenth session

1. The CHAIRPERSON drew the attention of the members of the Committee first of all to a news report that the Special Rapporteur on the situation of human rights in Myanmar had resigned because he felt that he had not been provided with the means to carry out his functions properly. Though particularly neglected, the Committee was not the only body working with the Centre for Human Rights to be experiencing difficulties. It was a sad fact that the human rights bodies and mechanisms were finding it harder to discharge their functions effectively. Regrettably, it was to be feared that conditions would continue to deteriorate under the combined effect of the determination of States not to make the necessary resources available and of the lack of efficiency of the Centre for Human Rights.

2. The pre-sessional working group entrusted with preparing for the Committee's next session would be composed of Mrs. Jiménez Butragueño, Mr. Grissa, Mr. Kouznetsov, Mr. Thapalia and Mr. Wimer Zambrano.

3. At its next session, the Committee would consider the implementation of the Covenant in four States which had not submitted reports. Four members of the Committee should therefore be designated to gather information on the countries concerned. He proposed that the rapporteurs should be Mr. Texier for Honduras, Mr. Ceausu for the Central African Republic, Mr. Rattray for Saint Vincent and the Grenadines and Mr. Alston for the Solomon Islands.

4. It was so decided.

5. The CHAIRPERSON invited the members of the Committee to consider a text he had drafted summarizing the decisions adopted by the Committee at its fourteenth session. The document had been circulated without a symbol in English only. He would read out the text paragraph by paragraph.

Paragraph 1. Annual report

6. Following observations made by Mr. CEAUSU and Mrs. JIMENEZ BUTRAGUEÑO, the CHAIRPERSON proposed that, in the third sentence of the paragraph, the words "the role of the Committee" should be replaced by the words "the mandate and the functions of the Committee".

7. Paragraph 1, as amended, was adopted.

Paragraph 2. Optional protocol

8. Mr. CEAUSU said he wondered whether it was wise to retain the last sentence of the paragraph, which provided that if the Committee did not reach a consensus on the optional protocol at its fifteenth session, it could proceed to a vote.

9. The CHAIRPERSON said that he had wanted to provide for the case in which the Committee found itself at the end of the fifteenth session needing to complete its work on the optional protocol but not having reached a consensus. It would be recalled that members of the Committee had very different views on some questions, such as the status of non-governmental organizations.

10. Mr. WIMER ZAMBRANO said that the views of the members of the Committee were not irreconcilable.

11. Mrs. JIMENEZ BUTRAGUEÑO said that the Committee should make every effort to adopt the draft optional protocol by consensus.

12. Mr. KOUZNETSOV and Mr. GRISSA observed that the last sentence of the paragraph would in no way bind the Committee to take a vote and would not prevent it from doing everything possible to find a consensus.

13. The CHAIRPERSON said that while a consensus was important when the members of the Committee adopted concluding observations on the situation in a State party, it was not obligatory when the Committee was deciding on a matter of principle or on an issue of general policy. By way of compromise, he proposed that the last sentence of paragraph 2 should be deleted, but on the understanding that if the members of the Committee failed to agree on the draft optional protocol, a vote would be taken.

14. It was so decided.

15. Paragraph 2, as amended, was adopted.

Paragraph 3. Follow-up

16. Mr. CEAUSU, fully endorsing paragraph 3, said that the Committee might in future call more upon the Economic and Social Council to intervene with Member States.

17. The CHAIRPERSON took note of Mr. Ceausu's comment and pointed out that such a procedure had been followed in respect of Panama and the Dominican Republic.

18. Paragraph 3 was adopted.

Paragraph 4. Working Group

19. Paragraph 4 was adopted.

Paragraph 5. Consideration of revised reporting procedures

20. The CHAIRPERSON said that, in the fifth sentence, the word "principally" should be inserted before the words "on the basis of that detailed report".

21. Mrs. BONOAN-DANDAN suggested that, in the written report he would submit to the Committee at its next session on the new procedures for the

consideration of reports, the Chairperson should indicate the kind of assistance that would have to be provided by the Secretariat under the new system.

22. The CHAIRPERSON took note of that suggestion.

23. Mrs. JIMENEZ BUTRAGUEÑO said that, with a view to harmonizing and ensuring greater consistency in the lists of issues, she wondered whether it might not be a good idea to draw up two model lists for guidance, one for initial reports and the other for periodic reports. That might also facilitate the task of the Secretariat.

24. The CHAIRPERSON invited Mrs. Jiménez Butragueño and Mrs. Bonoan-Dandan to develop that idea when they reviewed the Committee's general guidelines.

25. Mr. CEAUSU pointed out that the word "focus" appeared twice in the penultimate sentence. He suggested that it should be replaced the second time by the word "concentrate".

26. Paragraph 5 was adopted as amended and taking account of the observations made.

Paragraphs 6, 7 and 8. Staff assistance

27. Paragraphs 6, 7 and 8 were adopted.

Paragraph 9. Staff assistance (continued)

28. Mr. CEAUSU suggested that, in the first sentence, the wording "the Secretariat input into the preparation of its draft concluding observations is, on occasion, seriously deficient" should be moderated by using words to the effect that the Secretariat input was sometimes not adequate.

29. The CHAIRPERSON drew attention to the fact the Secretariat needed an expert on economic, social and cultural rights in order to be able to carry out its task. While the Secretary performed essential tasks in a fitting manner, he was not in a position to provide the specialist expertise that the Committee needed.

30. Mr. AHMED said that the tone of the first sentence of paragraph 9 was extremely strong and suggested the wording: "In this regard the Committee notes that the Secretariat input into the preparation of its draft concluding observations sometimes falls short of its usual standard of efficiency". Answering a question from Mr. Simma, he said that the country analyses were of a high standard and very useful, as were the draft concluding observations. It should also be pointed out that no complaints had ever been voiced about the work of the Secretariat.

31. Mr. SIMMA said he felt that the Secretariat input for the country analyses did not correspond to what the Committee needed.

32. Mr. GRISSA suggested that the first sentence should be attenuated in the following way: "In this regard the Committee notes that the Secretariat input into the preparation of its draft concluding observations does, on occasion, fall short of its expectations".

33. Mr. ALVAREZ VITA said that the sentence in question constituted an unfair criticism of the Secretariat's work. The number of reports had increased greatly in recent years and he was therefore opposed to the wording of the sentence.

34. The CHAIRPERSON pointed out that the Secretary did not prepare the draft concluding observations because he constantly had to deal with other work of the Committee. He therefore proposed the wording: "In this regard the Committee notes its satisfaction with the work of its Secretary, Mr. Tikhonov, but observes that the overall Secretariat input into the preparation of its draft concluding observations does, on occasion, fall short of its expectations".

35. Mr. ALVAREZ VITA said he would like the emphasis in the sentence to be placed on the fact that despite the efforts the Secretariat was making, its input did, on occasion, fall short of the Committee's expectations.

36. Mr. AHMED remarked that the phrase "despite the efforts ..." was less favourable to the Secretariat than the wording now suggested by the Chairperson.

37. Mr. SIMMA supported Mr. Alvarez Vita and suggested the formulation: "The Committee notes the efforts made by the Secretariat ...".

38. Mrs. BONOAN-DANDAN shared Mr. Ahmed's view that the phrase "despite the efforts ..." was harsh and implied that the Secretariat was incompetent.

39. The CHAIRPERSON suggested the formulation: "The Committee notes the efforts made by the Secretariat and expresses its satisfaction with the work of its Secretary, Mr. Tikhonov. Nevertheless, it notes that the Secretariat input ... does, on occasion, fall short of its expectations".

40. Mr. ALVAREZ VITA urged the Committee to adopt the wording "despite the efforts made by the Secretariat ...".

41. The CHAIRPERSON took note of Mr. Alvarez Vita's views and proposed the wording: "The Committee notes its satisfaction with the work of its Secretary, Mr. Tikhonov. However, despite the efforts made by the Secretariat, the Committee notes that its input ... does, on occasion, fall short of its expectations".

42. Mr. ADEKUOYE proposed that the word "develop", before the words "specialist expertise" in the second sentence, should be replaced by the word "provide".

43. Paragraph 9, as amended by the Chairperson and Mr. Adekuoye, was adopted.

Paragraph 10. Relationship with other bodies

44. Mr. SIMMA proposed that the word "closer" before the word "understanding" in the sixth line should be replaced by the word "better" in order to avoid repetition.

45. Paragraph 10, as amended, was adopted.

Paragraph 11

46. Paragraph 11 was adopted.

47. Mrs. JIMENEZ BUTRAGUEÑO suggested the insertion of a new paragraph between paragraphs 10 and 11 mentioning the members of the Committee who monitored the activities of other treaty bodies.

48. The CHAIRPERSON said that the document under discussion should reflect new proposals by the Committee and not recall practices mentioned in previous reports.

49. The Committee endorsed the view of the Chairperson.

Paragraph 12. Consideration of reports at future sessions

50. Mr. SIMMA suggested that the word "its" in the second line of the paragraph should be deleted for reasons of syntax.

51. Paragraph 12, as amended, was adopted.

Paragraph 13

52. Mr. GRISSA proposed that the words "The Committee also decides" should be replaced by the words "The Committee also decided".

53. Mr. SIMMA proposed that the words "countries whose reports are not to be considered at the following session", in the second and third lines, should be amended to read: "... are not scheduled to be considered at the following session".

54. Paragraph 13, as amended, was adopted.

Paragraph 14. Agenda item

55. Paragraph 14 was adopted.

Paragraph 15. Reporting guidelines

56. The CHAIRPERSON proposed that a list of the relevant documents available to the Committee should be inserted after the first sentence.

57. Paragraph 15, as amended, was adopted.

Paragraph 16. Meeting of special rapporteurs and thematic mechanisms

58. Paragraph 16 was adopted.

59. The CHAIRPERSON announced that a short paragraph would be inserted in the report to indicate that the officer responsible for advisory services in the Centre for Human Rights had provided various information to the Committee.

60. Mr. ADEKUOYE, referring to paragraph 3, proposed that a new item entitled "Follow-up to the previous work of the Committee" should be added to the agenda of the next session.

61. The proposal was adopted.

62. The draft text of decisions, as amended, was adopted.

63. The CHAIRPERSON invited the Committee to adopt a text relating to the technical assistance mission to Panama, which read: "The Committee, at its thirteenth session, having considered the information submitted by a number of NGOs as a follow-up to its technical assistance mission to Panama, expressed its concern at the decision taken by the President of the Republic to veto the law establishing the minimum size of low-income dwellings. The Committee's decision was made available to the Government immediately after the session. In a letter dated 17 April 1996, the Government provided the Committee with an explanation of the decision taken by the President and outlined some aspects of housing policy being implemented by the current Government. On the basis of advice by Mr. Texier, it is recommended that at this stage the Committee should simply take note of that information and thank the Government of Panama for its continuing willingness to cooperate with the Committee."

64. The text was adopted.

65. The CHAIRPERSON indicated that the Committee had received a detailed written document from Oxfam reporting large-scale dislocation caused by a project undertaken by the World Bank and the European Commission in Uganda. Oxfam had requested the Committee to pursue the matter with Uganda, which was a party to the Covenant. He asked the Committee to authorize him to send a letter referring to article 22 of the Covenant, which dealt with technical assistance from specialized agencies, and requesting the World Bank or the European Commission to provide the Committee with information on the matter.

66. Mr. GRISSA said that any development project was bound to have negative implications for the interests of some people or groups, but that was not a valid reason for obstructing progress. Non-governmental organizations were not always objective and the Committee should seek information first of all from the Government of Uganda.

67. The CHAIRPERSON, clarifying some points for the benefit of Mr. Grissa, said that Oxfam maintained in its communication that the World Bank had not followed its own guidelines in the case in question. The purpose of the proposed letter would therefore be to request the World Bank and the European Commission to provide any observations they deemed appropriate to the Committee. He doubted whether approaching the Government of Uganda would be

an effective way to proceed as Uganda had not submitted a report to the Committee in the nine years since its ratification of the Covenant. Moreover, as Oxfam had indicated that the problem was due more to the actions of the financing institutions concerned than to the Government of Uganda, it would be logical for the Committee to write to them.

68. Mrs. BONOAN-DANDAN, supported by Mr. SIMMA, endorsed the proposal to send a letter to the institutions concerned and/or to the Government of Uganda requesting information of a general nature.

69. The CHAIRPERSON said he took it that the Committee entrusted him to send a letter to the World Bank and/or to the Government of Uganda requesting observations on the points raised by Oxfam.

70. It was so decided.

71. The CHAIRPERSON invited the members of the Committee to consider, in closed session, the text of the draft concluding observations concerning the initial report of Guatemala.

The public part of the meeting rose at 11.40 a.m.